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United States of America,)	File No. CR-09-172
)	(MJD/SRN)
Plaintiff,)	
)	
vs.)	Minneapolis, Minnesota
)	April 7, 2010
Annie Huyen Vu,)	1:25 p.m.
)	
Defendant.)	
)	

(SENTENCING)

For the Plaintiff: U.S. Attorney's Office
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Court Reporter: LORI A. SIMPSON, RMR-CRR
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P R O C E E D I N G S

IN OPEN COURT

THE COURT: Let's call this matter.

THE CLERK: The United States of America vs. Annie
Huyen Vu, Criminal Case No. 09-CR-172. Counsel, will you
please state your appearances for the record.

MS. BELL: LeeAnn Bell appearing on behalf of the
United States. Good afternoon.

THE COURT: Good afternoon.

MR. TAMBURINO: Good afternoon, Your Honor. Joe
Tamburino representing Ms. Vu, who is present.

THE COURT: Please step forward. Counsel, are
there any issues that I have to deal with before we go to
the sentencing in this matter?

MS. BELL: Your Honor, the United States is
prepared to proceed with sentencing, but we would let the
Court know that it is the position of the United States that
Ms. Vu has not complied with the requirements of safety
valve in providing a true and complete proffer.

We have discussed that with her defense attorney
and informed him of our position. I don't think that he
necessarily very adamantly opposes our position with regard
to this and the United States is, in fact, prepared to go
forward with sentencing today.

MR. TAMBURINO: Your Honor, our position is that

1 she has complied. However, we would ask that the Court take
2 testimony or if I could provide the Court with testimony
3 from Ms. Vu at this time. It would not be lengthy and I
4 think that would assist with the Court -- I think it would
5 assist with the issue of the safety valve as to whether she
6 has complied with providing a truthful statement.

7 THE COURT: All right. Let's take a short break.
8 Counsel, can I see you back in chambers.

9 (Recess taken at 1:30 p.m.)

10 * * * * *

11 (1:45 p.m.)

12 **IN OPEN COURT**

13 THE COURT: All right. I met in chambers with
14 counsel. Counsel and Ms. Vu, will you come up to the
15 bench -- or to the podium. Counsel, do you wish to be heard
16 on our conversations in chambers?

17 MS. BELL: Your Honor, in light of the
18 conversations in chambers, it seems to make sense that we
19 continue Ms. Vu's sentencing, but add a specific condition
20 to her conditions of release. The Government is making a
21 motion that we add conditions that she not have contact with
22 any of her co-defendants in this matter with the limited
23 exception of her brother.

24 MR. TAMBURINO: Your Honor, in light of our
25 conversations, I would agree to the continuance and I would

1 have no objection to the change of the conditions of
2 release. Her brother is Co-Defendant Vinh.

3 MS. BELL: Minh.

4 MR. TAMBURINO: Minh. Excuse me.

5 THE COURT: Who's here --

6 MR. TAMBURINO: Who is here right now?

7 THE COURT: -- for her family?

8 MR. TAMBURINO: This is her foster family and her
9 foster sister and brother. That is her employer as well as
10 her biological mother and then other family friends.

11 THE COURT: All right. Ms. Vu --

12 THE DEFENDANT: Yes.

13 THE COURT: All right. Let's lower that. You can
14 lower the podium. There's a button on the side.

15 Now, do you know how much time that I have to give
16 you on this matter if I was going to sentence you today?

17 MR. TAMBURINO: Do you know how much prison time?

18 THE COURT: Do you know how much time I will send
19 you to prison today?

20 THE DEFENDANT: I don't know.

21 THE COURT: You do not know?

22 MR. TAMBURINO: The mandatory minimum.

23 THE DEFENDANT: The ten-year mandatory minimum,
24 the ten-year.

25 THE COURT: Yes, ten years in prison. Ten years

1 in prison, no if's, and's, and but's about it.

2 THE DEFENDANT: Yes.

3 THE COURT: I have to do that.

4 THE DEFENDANT: Yes.

5 THE COURT: Now, you have two children, don't you?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Now, there's other co-defendants in
8 this case that are more culpable than you are and are going
9 to do less time because they told the truth to the
10 Government.

11 If you don't tell the truth to the Government, I'm
12 going to send you off to prison for at least ten years in
13 prison. And if you got on the stand and lied in front of
14 me, that would not be very good for you.

15 Now, I don't know what your connection with Johnny
16 is that you love him so much that you would give up your two
17 children for ten years while he's trying to escape doing ten
18 years. He's not even the father of your children.

19 So normally I would take you into custody right
20 now so you would see what the jail looks like. I don't know
21 if you call it love or lust or whatever you and Johnny got
22 going on between you. It's going to cost you ten years in
23 prison and losing your children.

24 Now, if you have contact with Johnny at all, any
25 kind of contact, texting, talking on the phone, letters, or

1 anything, I am going to take you into custody.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I want to take you into custody now,
4 but your attorney convinced me that I should not. But all I
5 need is for you to make one phone call or have one friend
6 make a phone call for you to Johnny or any of the other
7 co-defendants other than your brother and you know that I am
8 going to have the marshals out taking you into custody.

9 THE DEFENDANT: Yes.

10 THE COURT: Now, how foolish are you going to be?
11 Everyone else is going to do less time than you. All these
12 men that are so big and bad are able to come and confess and
13 tell the truth and get their deals, and big Annie is going
14 to take the fall for everybody. Then everyone will cry, oh,
15 the criminal justice system doesn't work. Well, it does
16 work. If you think love is going to make you happy in jail
17 for ten years, not having contact with your children, then
18 maybe that's where you belong.

19 So we'll continue this matter until July 6, 2010
20 at 9:00 for sentencing. You are to make arrangements
21 through your attorney to meet with the Government to make
22 your proffer so you can qualify for the safety valve and,
23 again, you have to tell the truth, nothing but the truth,
24 and the whole truth. I am giving you this opportunity only
25 once.

1 THE DEFENDANT: Thank you, Your Honor.

2 THE COURT: Anything further for the Government?

3 MS. BELL: No, Your Honor.

4 THE COURT: Mr. Tamburino?

5 MR. TAMBURINO: No, Your Honor. Thank you.

6 THE COURT: Now, are you going to stay out of
7 trouble?

8 THE DEFENDANT: Yes, I will.

9 THE COURT: And you understand what happens if you
10 make contact with any of the co-defendants or Johnny?

11 THE DEFENDANT: Yes, I understand.

12 THE COURT: What will happen?

13 THE DEFENDANT: The marshal will take me into
14 custody.

15 THE COURT: All right.

16 THE DEFENDANT: Thank you very much, Your Honor.

17 (Court adjourned at 1:55 p.m.)

18 * * *

19

20 I, Lori A. Simpson, certify that the foregoing is a
21 correct transcript from the record of proceedings in the
22 above-entitled matter.

23

24 Certified by: s/ Lori A. Simpson

25 Lori A. Simpson, RMR-CRR